

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**HALEY HARGIS, as Personal  
Representative of the ESTATE OF  
JONATHAN MARK HARGIS,**

**Plaintiff,**

**v.**

**OVERTON COUNTY, TENNESSEE,  
CITY OF LIVINGSTON, MELISSA  
BARNES, AMANDA POORE, DONALD  
SHAVER, DUSTIN PETTIT, AMBER  
BEATY, DAVID NELSON, SAMUEL  
WEBB, CHRISTENA SAKKINEN,  
MELODY CRAWFORD, BRITTANY  
SIDWELL, MICHAEL THARP, J.D.  
MASTERS, THOMAS JOHNSON, and  
JEREMY LAYCOCK,**

**Defendants.**

**Docket No.: 2:22-cv-00011**

**JUDGE CRENSHAW/  
MAGISTRATE JUDGE NEWBERN**

**PLAINTIFF’S RULE 37(e) MOTION FOR SPOILIATION SANCTIONS**

Plaintiff Haley Hargis, as Personal Representative of the Estate of Jonathan Mark Hargis (“Plaintiff”), pursuant to Fed. R. Civ. P. 37(e), respectfully moves for sanctions against Defendants Overton County, Tennessee; Melissa Barnes; Amanda Poore; Donald Shaver; Dustin Pettit; Amber Beaty; David Nelson; Samuel Webb; Christena Sakkinen; Melody Crawford; Brittany Sidwell; and, Michael Tharp (collectively, “County Defendants”) for the spoliation of jail security footage that Overton County knew or reasonably should have known would be critical to any litigation arising out of the events of March 30, 2021, and the in-custody death of the decedent, Jonathan Mark Hargis.

In support of this motion, and pursuant to L.R. 7.01(a)(2), Plaintiff submits an accompanying memorandum of law with appropriate citations to the record for the Court to

reference. Plaintiff further relies upon the entire record in this cause and on the following documents, filed as exhibits hereto:

1. Deposition of Amanda Poore (Mar. 24, 2023) and selected exhibits thereto;
2. Deposition of Amanda Poore (May 10, 2023) and selected exhibits thereto;
3. Deposition of Amber Beaty, and selected exhibits thereto;
4. Deposition of Tim Poore, Fed. R. Civ. P. 30(b)(6) designee for Overton County, and selected exhibits thereto;
5. Deposition of Karen Oldham, M.D., and selected exhibits thereto;
6. Deposition of Emily Dennison, M.D., and selected exhibits thereto;
7. Overton County EMS Patient Care Reports produced as Exhibit 5 to the County Defendants' Fed. R. Civ. P. 26(a) disclosures;
8. Declaration of Haley Hargis; and
9. Overton County Sheriff's Department jail security footage from its "BOOKING" and "BOOKING PHONE" cameras. In addition to filing the videos with the Court,<sup>1</sup> Plaintiff has uploaded the ["BOOKING" footage](#), as well as a [side-by-side comparison video](#) of pertinent parts of both camera angles, to Vimeo.com, with links provided herein for the Court's convenience.

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<sup>1</sup> Copies of the footage, as well as the side-by-side comparison video, are being submitted to the Court as .avi files and served on all other parties via U.S. mail, in accordance with AO 205, *In re: Guidelines for Filing Audio and Video Files* (Apr. 5, 2019). As stated in the cover letter to the Court accompanying the thumb drive, Plaintiff requests the footage be filed as Exhibit 9 to this motion. Plaintiff would note that, because the original videos are saved as .dxa files and require a proprietary export player, it was necessary to manually screen-record the videos and save them in an acceptable format (.avi) to comply with the Administrative Order.

### **CERTIFICATE OF GOOD FAITH**

Pursuant to L.R. 7.01, on August 7, 2023, Plaintiff conferred with counsel for the County Defendants and City Defendants via email to ascertain whether there would be any objection to the instant motion. Counsel for the City Defendants has stated that they oppose the motion, though they are unlikely to file a brief in opposition. Counsel for the County Defendants opposes the instant motion.

### **CONCLUSION**

For the reasons set forth in Plaintiff's accompanying memorandum of law, Plaintiff respectfully requests that the Court sanction the County Defendants pursuant to Fed. R. Civ. P. 37(e)(2), instruct the jury that it must presume the spoliated security footage was unfavorable to the County Defendants, and award her any further relief to which the Plaintiff may be entitled, including an award of attorney's fees incurred in bringing the instant motion.

Respectfully submitted,

/s/ G. Alan Rawls

Gregory Brown, BPR# 027944

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 23rd day of August, 2023, a true and correct copy of the foregoing has been sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ G. Alan Rawls